jenmies' arguments, however reasonable they might have been, did not carry much weight. The Government were maintaining that without infringing the principles underlying the Royal Proclamation of 1042 and the Jeumi and Kudiyau Regulation of 1071, the *jenmies* should be granted as much relief as possible from the hardships they were subject to. But, as a matter of fact, the result of the recent Round Table Conference was that most of the rights and privileges enjoyed by the *jenmies* were extinguished and the Bill under consideration embodied only provisions based on the dicisions arrived at by the Conference. The Bill purported to take away the rights and privileges enjoyed by the *jenmies* for a very long time and confer the same on the *kudiyans*. If the Bill as such be passed into law, the *jenmies* would be put to untold hardship and loss. The member therefore requested the Government to take the necessary steps to see that the existing rights of the *jenmies* were not extinguished without adequate compensation. He suggested that the lands enjoyed by the *kudiyans* be given to them on recovery of adequate compensation under the Land Acquisition Regulation and that the same be paid to the *jenmies* concerned.

DEWAN'S REPLY: Mr. Tuppan Namputiri, the Jenmi and Kudiyau Regulation Amendment Bill is before the Select Committee. I suggest that you make your representations to them.

20. Misuse of the provisions of the Registration Regulation by Christians in regard to matrimonial affairs.

Mr. K. M. EIPE *(Nominated)* said that according to the tenets of Christianity mariage was a sacred contract. The incidents of marriage were monogomy and indissolubility except in certain extreme cases. But, of late, marriages were dissolved by mutual written agreement between the husband and wife and getting it registered under the Registration Regulation. This practice was peculiar to Travancore and did not prevail either in British India or Cochin, and it was eating the very vitals of the Christian community. Dissolution of marriage should be effected only as the result of an independent enquiry by an impartial and trained judicial tribunal. Even in countries where marriages were dissolved by mutual consent, the actual dissolution took place as the result of the decision of a competent court. It was high time that this mischievous practice was put an end to.

Another practice obtaining among the Travancore Christians was to effect marriages between two persons by entering into a contract in writing and getting it registered in a Sub-Registry Office. Such marriages were very often effected in a clandestine manner and in indecent haste and without the consent or knowledge of the guardians of the parties concerned. Among Christians marriages could not be arranged between parties who are within certain prohibited degrees of relationship. These rules were violated by parties to the marriages effected by registration and a Sub-Registrar was not bound to and could not enquire into this aspect of the matter in registering marriage contracts. Whether such marriages were valid, whether they could be dissolved and if so,

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how, and whether the children born of the marriage were legitimate and could inherit under the law, were questions directly connected with this enquiry.

The recognised method of contracting a marriage among Christians was to have it solemnised before ministers of religion. But with the rapid growth of sects and the free use of excommunications it was difficult to say whether a particular individual was a minister or not and though ordained whether he still retained his competency to solemnise marriages. It was with a view to avoid difficulties that might arise on account of such marriages that all civilised countries had made provision for civil marriages. The time had come for enacting a comprehensive marriage law in Travancore also. It might perhaps be argued that the evils pointed out could be prevented by amending the Registration Regulation prohibiting Sub-Registrars from registering contracts purporting to be agreements for effecting or dissolving marriages. But this was not easy unless the Regulation was radically amended since there were statutory provisions enabling the Nayars and the Ezhavas to make use of the Registration Regulation for purposes connected with their marriages. A comprehensive marriage law was the only remedy to check the growing evils pointed out. There were similar enactments elsewhere, for instance, the Indian Christian Marriage Act, the Indian Divorce Act and the Native Converts Marriage Dissolution Act in British India and the Civil Marriage Regulation in Cochin. The member, however, was not of the view that civil marriages should be the only form of marriage especially when there were many who would have their marriages solemnised under the auspices of a church. Nor was he suggesting a legislation that would compel any minister to solemnise a marriage not approved by his church. His request was for a piece of legislation under which civil marriages would be permissible and available to people whose marriage the church may refuse to solemnise and also to those who might have scruples to get married in the only church available for them. The Regulation to be enacted should be comprehensive enough to deal with such subjects as nullity, restitution of conjugal rights, effect of conversion to Chistianity, method of bringing about dissolution and the like. The member also presented a copy of a Bill drafted by a committee appointed by the heads of the Anglican and Mar Thoma Churches to go into these questions, for reference, if necessary.

DEWAN'S REPLY: This, Mr. Eipe, does not seem to be a matter in which the Government should take the initiative. The proper course would seem to be for a non-official member of the Legislative Council to move the matter in the Council and bring in a private bill.

21. Promulgation of a law governing the civil rights of those who do not recognise caste or religious differences.

MRS. P. PALPU (*Nominated*) said that in many respects Travancore should be considered a model State. In education, equality of rights to men and women and in national awakening

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